

1 Robert Burdick  
2 1721 Crestview Ave  
3 Seal Beach CA 90740

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 21 2020 ★

4 **UNITED STATES DISTRICT COURT**  
5 **EASTERN DISTRICT OF NEW YORK**  
6 **LONG ISLAND OFFICE**

7 UNITED STATES

8 vs.

9 PHILLIP A. KENNER, ET AL.

CRIMINAL DOCKET NO. 13-607  
(JFB) (EDNY)

**ANCILLARY PETITION FOR CLAIM OF  
LEGAL RIGHT, TITLE OR INTEREST IN  
FORFEITED PROPERTY**

**[21 USC § 853(n)]**

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16  
17 I ROBERT BURDICK, declare under penalty of perjury that the  
18 facts set forth herein are true of my own personal knowledge, and  
19 if called upon to testify thereto, I could and would competently do  
20 so under oath.

21 1. The identity of the property in which the petition claims  
22 a legal right, title or interest: I own a 1.5% partnership share  
23 in Diamante Properties LLC, 457 Main Street, Suite 1A, Danbury, CT  
24 06811. Partnership No. 32-0127491. I have owned these shares  
25 since 2008. I received these shares for being employed by Diamante  
26 since 2002 and was given this for my early involvement in the  
27 project. The shares interest was acquired when I was reasonably  
28

1 without cause to believe that the property was subject to  
2 forfeiture. As proof of ownership, I receive an annual K-1 for  
3 this asset, as evidenced by a true and correct copy attached hereto  
4 as Exhibit "A".

5 2. The nature and extent of the such legal right, title or  
6 interest: I own a 1.5% partnership share in Diamante Properties  
7 LLC, 457 Main Street, Suite 1A, Danbury, CT 06811. Partnership No.  
8 32-0127491. I have owned these shares since 2008. I received  
9 these shares for being employed by Diamante since 2002 and was  
10 given this for my early involvement in the project. The shares  
11 interest was acquired when I was reasonably without cause to  
12 believe that the property was subject to forfeiture. As proof of  
13 ownership, I receive an annual K-1 for this asset, as evidenced by  
14 a true and correct copy attached hereto as Exhibit "A".

15 3. The time and circumstances of the petitioner's  
16 acquisition of the right, title or interest: I own a 1.5%  
17 partnership share in Diamante Properties LLC, 457 Main Street,  
18 Suite 1A, Danbury, CT 06811. Partnership No. 32-0127491. I have  
19 owned these shares since 2008. I received these shares for being  
20 employed by Diamante since 2002 and was given this for my early  
21 involvement in the project. The shares interest was acquired when  
22 I was reasonably without cause to believe that the property was  
23 subject to forfeiture. As proof of ownership, I receive an annual  
24 K-1 for this asset, as evidenced by a true and correct copy  
25 attached hereto as Exhibit "A".

26 4. Any additional facts or documents supporting petitioner's  
27 claim in the relief sought: As proof of ownership, I receive an  
28

1 annual K-1 for this asset, as evidenced by a true and correct copy  
2 attached hereto as Exhibit "A". I reasonably believe I am entitled  
3 to fair value consideration for my shares.

4 I declare under penalty of perjury under the laws of the State  
5 of California that the foregoing is true and correct, and that this  
6 declaration is executed on June 14, 2020, at Seal Beach,  
7 California.

8   
9 ROBERT BURDICK

10 To be filed:

11 United States District Court  
12 Eastern District of New York  
13 Long Island Courthouse  
14 Clerk of Court  
15 100 Federal Plaza  
16 Central Islip, NY 11722

17 Copies to:

18 Assistant United States Attorney  
19 Diane Leonardo  
20 United States Attorney's Office  
21 Eastern District of New York  
22 610 Federal Plaza  
23 Central Islip, NY 11722

24 FSA Asset Forfeiture Paralegal  
25 Kristin Lake  
26 United States Attorney's Office  
27 Eastern District of New York  
28 610 Federal Plaza  
Central Islip, NY 11722

651158

**Schedule K-1**  
**(Form 1065)****2008**Department of the Treasury  
Internal Revenue Service

For calendar year 2008, or tax

year beginning \_\_\_\_\_, 2008  
ending \_\_\_\_\_**Partner's Share of Income, Deductions, Credits, etc.**

▶ See separate instructions.

**Part I Information About the Partnership****A** Partnership's employer identification number  
32-0127491**B** Partnership's name, address, city, state, and ZIP codeDiamante Properties, LLC  
457 Main Street, Suite 1A  
Danbury, CT 06811**C** IRS Center where partnership filed return  
Ogden, UT**D** ☐ Check if this is a publicly traded partnership (PTP)**Part II Information About the Partner****E** Partner's identifying number  
5910**F** Partner's name, address, city, state, and ZIP codeRobert Burdick  
1721 Crestview Avenue  
Seal Beach, CA 90740**G** ☐ General partner or LLC member-manager ☒ Limited partner or other LLC member**H** ☒ Domestic partner ☐ Foreign partner**I** What type of entity is this partner? Individual**J** Partner's share of profit, loss, and capital (see instructions):

	Beginning	Ending
Profit	1.5 %	1.5 %
Loss	1.5 %	1.5 %
Capital	1.5 %	1.5 %

**K** Partner's share of liabilities at year end:

Nonrecourse	\$ 395.
Qualified nonrecourse financing	\$ 448,920.
Recourse	\$

**L** Partner's capital account analysis:

Beginning capital account	\$ -35.
Capital contributed during the year	\$
Current year increase (decrease)	\$ -348.
Withdrawals and distributions	\$
Ending capital account	\$ -383.

☒ Tax basis ☐ GAAP ☐ Section 704(b) book  
☐ Other (explain)
☐ Final K-1☐ Amended K-1

OMB No. 1545-0045

**Part III Partner's Share of Current Year Income, Deductions, Credits, and Other Items**

1	Ordinary business income (loss)	15	Credits
	-359.		
2	Net rental real estate income (loss)		
3	Other net rental income (loss)	16	Foreign transactions
4	Guaranteed payments		
5	Interest income		
	11.		
6a	Ordinary dividends		
6b	Qualified dividends		
7	Royalties		
8	Net short-term capital gain (loss)		
9a	Net long-term capital gain (loss)	17	Alternative minimum tax (AMT) items
9b	Collectibles (28%) gain (loss)		
9c	Unrecaptured section 1250 gain		
10	Net section 1231 gain (loss)	18	Tax-exempt income and nondeductible expenses
11	Other income (loss)		
12	Section 179 deduction	19	Distributions
13	Other deductions		
		20	Other information
		A	11.
14	Self-employment earnings (loss)		

\*See attached statement for additional information.

FOR  
IRS  
USE  
ONLY